S.B. CIVIL CONTEMPT PETITION NO.17/2007
IN
S.B.Civil First Appeal No. 315/2004.

DATE OF ORDER : 23.10.2007.

HON'BLE DR.JUSTICE VINEET KOTHARI

Mr.MC Bhoot, for the petitioner.
Mr.Rakesh Arora, for the respondents.

Heard the learned counsel.

This contempt petition is directed against the alleged change in status quo in contempt of the order of this Court dated 19.5.2004 directing both the parties to maintain status quo with respect to the property in dispute.

Mr Bhoot, learned counsel for the petitioner submits that the iron sheets on the room with Kelu Posh (Sand) on portion marked in the map (Page 15 of the paper book) were removed by the respondents and hence contempt of the order of this Court has been committed.

The respondents have filed the reply to the said contempt petition denying these allegations in para 3 of their reply.

In the facts and circumstances of the case, this

Court is satisfied that it is not established by the petitioner that the respondents in deliberate defiance of the status quo order passed by this Court have removed these tin sheds over the portion marked "E" in the said map. No inquiry as such can be made at this stage at the instance of the petitioner in the present contempt petition.

This Court is of the opinion that appeal itself deserves to be decided for determination of rights of the respective parties.

No force is found in the contempt petition and the same is accordingly dismissed.

(DR VINEET KOTHARI)J.

ITEM NO.34
gandhi/-